1887-88
(L.R).

File No. AO-87
Serial No. 1-10

(P-94) F.S.)

Sub:- Appeal of Doddavenkata Narasappa and others for the Shanbhogiship of the Kookgattur Nagenahalli village in Madagiri Taluk, ~~Hindu~~ Tumkur District.

File No

Serial

887-88

192

( L.R )

RAL AND REVENUE SE

Serial Nos.

M.-Pa

Appeal of Dodda
for the Dharwar
in Madaag

In the De

No 203

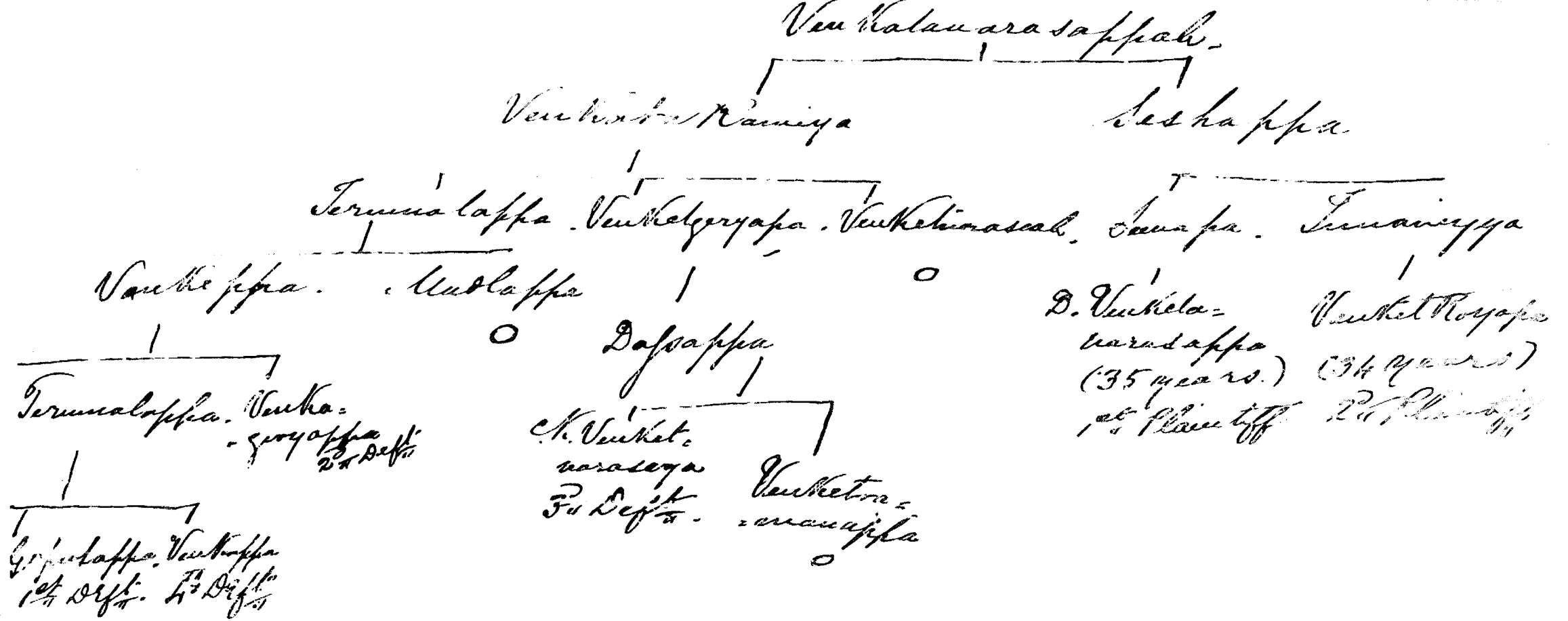
Direct
to
(a)

235-69

The Plaint in this suit is for a ~~declara~~ decree declaring that the Defts are entitled to the Shandyne hag of Kadagattur & Nagenhalli hobli which the 1st Deft has been registered by an executive order passed by the Subaltern on 24.4.82 The actual registry took place in 1878 and the order was confirmed in 1882.

The 1st Deft is the one really in pne with the Defts and he pleads that the registry was in his own right. The 2nd Deft is the uncle (father's brother) of the 1st, 3rd Deft says he has nothing to do with the claim and the 4th is a younger brother of the 1st Deft.

The following is the genealogical tree as far as it can be made out


Venkatakalasanapathi.
Venkatakrishnamaniya
Seshappa
Termalappa
Venkelgeryappa
Venkatesasarak
Soompa
Ivenaniyya
Venkatappa
Ubbappa
Dassappa
D. Venkata-
varadappa
(35 years.)
1st Pleader
Venkat Royappa
(34 years)
Termalappa
Venka-
-geryappa
2nd Deft.
K. Venkat-
varasega
3rd Deft.
Venkatesa-
-varadajya
Gopalappa
1st Deft.
Venkatappa
4th Deft.

The issues are

1. Whether the suit is maintainable
2. Whether the suit is not barred
3. Whether the Pffs are entitled to any & if so what sort of relief?

The case is briefly this:

Till the year Bundhubhi 1862-63 one Sriappa father of the 1st Pff was the Shanbogue of the village in dispute as also of one Yelkala halli: in that year he died and his son one Nirumalappa the 2nd father of the Pff was appd as Shanbogue as is evident from the Register of Nallikallu 1864-65 He died & his son the 1st Pff has been rejected. One Subraiyappa & then Rudrappa were appointed Gumastas but some how or other they did not continue and at present the Pffs & Officials as Shanbogues.

This case is analogous to the case No. 1 of 67/68 on the file of this

Court before the Decree
order was passed all necessary
Enquiry was held - I think that
for the reasons mentioned there
this suit is not maintainable,
and if it is I will dismiss it.
The suit under the Rec[n] Act must
have been brought within two
years from the date of the Deputy
which was finally confirmed
in 1882. The suit was filed in 1886.
and it is therefore clearly barred.
— It is also possible to hold
that the limitation may be
reduced to one year as the principle
effect of that decree will be to
cancel the order of 1882 - and
the limitation is one year -
Case relied upon by the Offi[n] Counsel
does not apply as in that suit
Govt assumed jurisdiction under
the authority contained in a
reserve clause in the Bengal
Statute under which the Land Holders
had been refused -

+ Calendar of Papers Vol X
Letter from Collector of Kaira to Commissioner N.D. dated 25th

On merits also I do not think that the Pltfs have got any right superior to that of the 1st Defdt. In former days succession was not regulated strictly with reference to the law of primogeniture. Any eligible member of the family was selected and in this view it was right that Immalayya was appd in succession to Seenappa in 1864. After this man's death, & before the 1st Defdt was appointed Act No 5 of 1872 had been passed & there was a positive direction (vide sec 4 para 5) that a son was to be appd. Accordingly Sopalayya 1st Defdt was registered and the Revenue authority who was bound by the Act of 1872 could not possibly go beyond the son Accordingly the registry is according

blow and ... cannot be overturned. It argued that the offs were at variance lines of charge of the Shanlyne but that fact does not affect a decision which has been come to in accordance with the express provisions of another Act, and which decision has been carried into effect in favour of the 7th Defdt by the Chairman of the Quarter Sessions which has been registered in the Records of the Court & that is the Judgment about which we are here with

The offs ask to be discharged with costs & that Defts be found guilty of the Offs

Sentence [illegible]

[illegible]

[illegible]

Registered

Tuticorin Deputy
Court Receipt No. 339 of
the 15th October 1887.

On the 6th August
1886 Doddo Venkata-
-rayudu Son of
Sundaiah deceased
Shanthoguttadu-
-gattu and Nagireddi
village in the Nadakavi
Taluk, and Venkatarayu
Son of Pinchaumá
younger brother of the
said Sundaiah, filed
a Petition Suit
in the Court of the
District Court of
Tinnevelly Claiming
to be registered as
the Shanthoguttadu of
the said two villages
in succession to
the aforesaid Seenappa
as against

the following
defendants:—

1 Gopala, son of
deceased Timmalappa,
and he is now registered
as the Shanbogue of
the above two villages.

2 Venkatagiriappa,
younger brother of
deceased Timmalappa.

3 Dakshaya son
of Chikka Venkatanarayappa
& Venkatappa son of the
deceased Timmalappa.

The Deputy Com.
referred the suit to
the Amildar of Kunigal
on the 7th August 1886
for enquiry & report.
The Amildar made
the necessary enquiry
and submitted
his Record to the Dy
Com. on the 26th Dec.
1886. The Deputy Com.
issued notices both
to the Plaintiff and
defendants for their
appearance before
him on the 15 January
1887.

On the 11th June 1887

the Deputy Commissioner
the suit on the following
principal grounds: —

(1) The suit was barred
as it was not brought
within two years from the
date of registry, according
to the Circular No. 5 of 1872
and inasmuch as the
Defendant was registered
as Shanbogue finally by
the Collector's order of 1882.

(2) In former times
succession was not
regulated strictly with
reference to the law of
primogeniture. Any
eligible member of the
family was selected
and in this manner
it was right that
Timmalappa was
appointed in succession
to Sannappa in 1864
after Timmalappa's
death. His name should
(Deft.) was
registered at first
accordance with the
Circular No. 5 of
1872 and now was
to be appointed
to be appointed
4. On the 15
August 1887 the
Plaintiff applied
to the Collector
for a review of
the

te above Order
the following
ir grounds:—
1) By a partition
ade in the family
fore the year 1850
31/32, the above
villages. Kadagattur
and Nagendralli fell
the share of Seenappa
father of 1st Plaintiff), and
his younger brother
Ujinnanna; and
Kartakatte village
Devappa, father
the 3rd Defendant.
The Registry was
accordingly made
in the Govt books.
The said Seenappa died
in the year 1864/65, when
his son Dodda Venkat-
nnanappa (1st Plaintiff)
and two younger brothers
Boya (2nd Plaintiff)
were both minors,
in consequence of which,
a member of the above
Dasappa's family and
a half share holder in
Kartakatte village,
named Timmakka,
father of 1st Defendant and
Defendants, officiated
as the Shanbogue of
two villages

on behalf of the Plaintiffs
who were minors
in the year 1864, a true
a Register of Claimants
was prepared under the
late Mr. Lewis orders
the said Permanent Depu
was Secretary for the
Districts, and conse-
quently his name was
duly entered in that Register
under the head "Officiators"
But under the said
Register - Buckdar
Servants, his name
is not entered under
the head "Officiators" of
the said Register
it is noted that the
said Permanent Depu
has been an officiator
since the year 1849/50,
but this entry is
totally incorrect as
will be proved by the
Exhibits B & C and
the accounts of
District accounts for
the years 1832 and 1840.
(2) It has been established
by Exhibit D & other
documents and the Surveys
& Settlements Woodlands,
and also by Exhibit E
that from the year
1865/66 to 1868/69 Woodlands
and Zero Situated on
behalf of the Plaintiffs, and
that

13. [illegible] act
the period allowed
for [illegible] Officers
[illegible] 12 years
[illegible] Deputy Coms
[illegible] 6th September
1887 dismissed the
above applications
on the ground that the
[illegible] and
Pirmakobpa's eldest
son having been
appointed under the
provisions of the Circular
of 1872. the Plaintiffs
were too late to contest
the validity of the [illegible]
of that order.

6. Against the above
order the Plaintiffs
appeal to this Office
on the following
grounds:

(1.) If Pirmakobpa
was legally & authoritatively
appointed in accordance
to Secretary in 1864
as found by the Deputy
Com., there would
have been no grounds
for the then Resident
Officer in Sumpur
[illegible] as the
[illegible] has been produced.
of Pirmakobpa's son
[illegible]
Pirmakobpa for the Plaintiffs
the Appellants
1864 [illegible] name

under the "Executors". The Deputy
Com. was therefore
wrong in deciding
that the Defendant
Registry was legally
made according to the
Circular of 1872.

(2) The Deputy Com.
has erred in his
Judgment that the
suit is time-barred
and he has not
properly considered
the grounds urged
in the Plaintiff's
"Review Petition"

Plaintiffs pray
that all the Exhibits
documentary Evidence
filed by them, may
be taken into
consideration,
and the decision
of the Lower Court
be reversed.

The following
is the translation

with the Record. Therefore
it cannot be ascertained
whether the entry above
refers only to Gedarla
or to all the aforesaid
three villages. Moreover
there is another point
which throws considerable
doubt in the matter.
The reason shown
in Col: R. for Timmaiah's
actually doing the
work is, that he is
Dasaiah's elder brother's
son. Dasaiah's name
does not appear
against Kadagattur
and Nagenahalli either
under the head "Registered
Office holders" or under
"Shareholders". His name
is entered only against
Gedarahalli both
under the head "Registered
Office-holders" and also
under "Shareholders", and
against the Gedarahalli
village, the said
Timmaiah's name is shown
under the head "Shareholders"
only.

4 11/9

19

[illegible] name
does not appear
against Bridgewater
Regimentals under any
[illegible] heads, nor
are his sons [illegible]
younger brother, or
any of the persons
shown against the
said two villages. It
is therefore evident
that the witness
Calvin [illegible] Peter Pennington
and Became Heirs
Deceased [illegible]
for [illegible] County to
[illegible] village.
[illegible] Evidence of Modesta
Produced on behalf
of Plaintiff, shows
that Plaintiff's father
was [illegible] forming the
duties of Bridgewater
and Regimentals at Chelsea
in the month of [illegible]
in the year [illegible] Plaintiff
[illegible] saw he died,
that after his death,
Widow Modesta
[illegible] associated [illegible]
as proved by the account
produced; that when
Bridgewater went abroad
to obtain means of livelihood,
he entrusted the work to

Veera, Saradha died,
the Plaintiffs were
minors.

An authenticated
copy of a list of Headmen
doing duty since the
year 1849/50, filed by
Plaintiffs, gives the following
particulars: —

(1) From the year 1849/50
to the year 1862/63 Seeraffa
personally performed
the duties of Kadagattúr
and of 3 Kudi villages.

(2) From the year 1849/50
to the year 1862/63 Doraffa
performed the duties of
Pastikotti & Gétarkkalli.

The original Adavál
account of Kadagattúr
for 5 years from the year
1864/65 gives the following
information: —

(1) The entries for 1864/65
are not signed by any
Shanbogue, evidently
owing to Seeraffa's death.

(2) The entries for 1865/66
are signed by Koodlaffa
as Komatta

(3) The entries for 1866/67

(4) Those for 1867/68
are signed by Venkatarayya

(5) Those for 1868/69 are
signed by Venkatarayya
(Country Dasappa Gadidesai
son shown in the genealogical tree)

(6) (5) Those for 1869/70 are
signed by Venkatayya (Pleader)

(7) (6) Those for 1870/71 are
signed by Venkatarayya
(Pleader)

(8) (7) Those for 1871/72
are signed by Venkatarayya

(9) (8) Those for 1872/73 are
signed by Venkatarayya

(1) The original Jamabandi
Chitta or Kudgeltee for
the year 1865/66 as signed
by Moodelyar and Canungo

(2) Do do for
the year 1866/67

(3) Do do for
1867/68 not signed
by any Pleader

(4) Do do for
1868/69 is signed by
Venkatarayya

(5) Do do for
1869/70 by Venkatayya

(6) Do do for
1870/71 by Venkatarayya

(7) Do do for
1871/72 by Venkatayya

(8) Do do for
1872/73 by
Venkatarayya

The original Canungo
Jamabandi for the year
1873/74 is signed by
Venkatarayya

Per Contra account

to be signed by Venkatasa.

The Register of Shanbogues prepared in the year 1871 shows that Venkatasa (2nd Plff.) was doing the duties of Kadagatter in that year.

It is gathered from the above documents that Plaintiffs entered upon their duties in the year 1869/70, which they are said to be still performing.

On the 11th April 1882 the then Amildar Veerasawmy Iyer made a report to the Deputy Coll. to the following effect:—

"Sesadya the Shanbogue of Kadagatter & Nagenkatti and Doddya the Shanbogue of Jedachadatti are both dead. The heirs to the former are his son Venkatanarsappa and his nephew Venkatasa, and the heirs & shareholders to the latter are his son C. Venkatanarsappa, Venkatajirawappa and Venkatajirawappa's nephew Gurala. At present

Venkatasa
Venkatajirawappa
Venkatajirawappa's nephew Gurala

5/9/1.

23.

and

The original order
of the Famine Relief
Officer is said to
have been lost, but
if such an order
had really been
passed, it should
have been entered
in the "D" Register
of the District
Office & from "Form" Registers
of the Salut Fatehari.
To extract from
any such Registers,
are filed with the
Record. The only
document produced
by the Defendants
is an authenticated copy
of an order No: 9 of the
9th May 1878 issued by
the then Collector &
the Sheristadar of Paraipoor,
in which it is mentioned
that the Famine Relief
Officers had Registered
Petitions for Kistbundee
and Registered such

Plaintiff have stated
nothing on record to
show that the Famine
Relief Officer dated 15th/24
or the Collector dated 1882
ordered the above
registering after giving
notice to the Plaintiffs
nor have the Defendants
produced any order
in proof of a Competent
authority having registered
Permanattiya as the
Shanbogue of the said
two villages.

19. The Defendants
have produced in
evidence an authenticated
extract of a Register
of Shanbogues prepared
in the year 1872 In
this extract Permanattiya
Wellappa is shown as Registrar
and Venkatappa as
Officiator for Kadagattur
but the original
Register itself filed
as Exhibit 2 on
behalf of Plaintiffs
shows Venkatappa
as Shanbogue
of Kadagattur, but it
does not show Permanattiya
as Registrar It
however contains Perma-
nattiya as the Shanbogue
of Kagenhalli

20. The Defendants
have also produced the
following

the Law deposit
account of an
land, jointly
the names of
malcha, Kukata-
ippa, Doreppa,
Katuraseppa, and
katoya.
Deed granted by the
ove acknowledging
Title deed.
Tirumalaiyan's report
9th June 1874 to the
ker, addressed as
Shanbogue of
Vadagattur.
Copy of an order of
November 1771 issued
the then Amildar
the Shanbogue of
Vadagattur calling on him
to send up all the
claimants of the
Shanbogueship of
Vadagattur.
5- Tirumalappa's petition to
a Contractor addressed
as Vadagattur Shanbogue
on 25th May 1874.
6 & Patta dated 7th April 1865
from the Shanbogue to
Tirumalappa.
do 25th May

The Plaintiffs having
nothing on record to
show that the Famine
Relief Officer [illegible]
or in Coimbatore
ordered the above
registry after giving
notice to the Plaintiffs
nor have the Defendants
produced any order
in proof of a Competent
authority having register
Perumalappa as the
Shanbogue of the said
two villages.

19. The Defendants
have produced no
evidence or authenticated
extract of a Register
of Shanbogues prepared
in the year 1872 but
the extract Perumalappa
to show as Registered
and Venkatappa as
Officiator for Kadagattur
but the original
Register itself failed
as Exhibit D on
behalf of Plaintiffs
shows Venkatappa
as Shanbogue
of Kadagattur, but it
does not show Perumalappa
as Registered. It
however contains Peru-
malappa as the Shanbogue
of Nagenhalli.

20. The Defendants
have also produced the

6/2/

27

Marked No. 18 [illegible] 28 Sept
18[illegible] from the Auildar
to Kadagatter Maatheyan
The name of the Maatheyan
to whom it was addressed
was something else; it
has been clearly altered
to Tirumalabhatla lately.
This letter was produced
(Vide Exhibit No: 20 in
the bundle of papers filed
by defendants)

Marked No: 19 [illegible] 14
August 1870. from the
Auildar to Kadagatter
Maatheyan, Tirumalabhatla
to Marked No: 20 [illegible] Sept
1885 from the Auildar
to Tirumalabhatla, com
Gopalaiah, appointing
one Krishnarow as Gopalaiah
Gomasta.

11 The Collection Registers
of Kadagatter for the
years 1854, 1863-64 and
1864-65 said to be in
the handwriting of
Tirumalabhatla, that
the entries do not
contain the signature

21. Para 5 of circular
No: 5 of 1872-73 referred
to by the Deputy Collector
in his judgment,
is omitted
in the Revenue Manual,
vide

Enclo: Page 87
269.

Para: 3 of the
Late Chief Comm.rs Letter
No: 1165 of 25th June 1866
to the Govt:, Enquiring
whether Govt: Proprietary
& limitation of 12 years
for the filing of Succession
Office.

After hearing both the
parties, [redacted], the
Deputy passed an
order No: 1922 of the
21st November 1887 to
the following effect:-

x x x

"I decline such circ-
umstances in
reversal of the Dy:
Comm.rs Judgment
& Holdcroft's order
of 1878 for the registry
of Estate is hereby
set aside, and the
Dy: Comm.r is directed
to proceed to take
a proper Inventure
from the Mudaliyar
family with close
reference to the
claims

claims of the contending
parties, and the customs
which regulated the
employment of the offices
by the various branches
of the family."

"On the receipt
of the above order
the Dy. Court, on the
6th September 1888,
sent orders to the
Pulicat to the following
effect:—

× × ×

"The most proper
arrangement to
give due effect to
the Deputy's order is
to register D. Venkatasa-
subbiah, son of Seeniah
as the Shanbogue of
Gokarlahalli of which
he has been doing
the duties, and to
register Venkatappa,
son of Timmanna
brother of Seeniah,
as the Shanbogue of
Kadagattur

claims of the contending parties, and the custom which regulated the appointment of the office by the various branches of that family."

13. On the receipt of the above order, the Dy. Court on the 6th September 1888, sent orders to the Amildar to the following effect:—

× × ×

"The most proper arrangement to give due effect to the Decree's orders is to register D. Venkatrao, Kapse, son of Seetappa as the Shanbogue of Yekambahalli of which he has been doing the duties, and to register Venkatroya, son of Lakmanna brother of Seetappa, as the Shanbogue of Kadagattur

tes till he was
moved under the
ers of Mr. E. Holdsworth,
he have been was
ensed by the
rom. The Builder
Ecclesiastical Possession
Madagattur village
Venkatarayá
Poney, and
sister Nina as
officiators Shanbogue."
Against the
ue order of the
: Court, the Defendants
ala & Venkatgirieppa
ed to this Office
e following Grounds:—
It is not proper
Councillor Mr.

8/ cont

from 1864 to 1877/78, and since
8L afterwards up till 1887, - for
23 years, and that consequently
the Plaintiffs' claim was
time-barred.
(2) There is a standing
order in the Madras Presidency
that a village official,
who has officiated
for not less than 3
years, should not
be ousted during
his lifetime on the
ground of inferior
title to the office.

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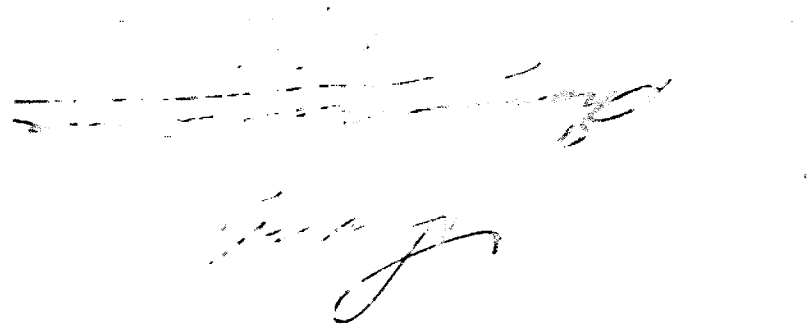
25. The allegations of
the defendants are
not borne out by
the entries, & signatures
various accounts
detailed before.
26. On the above
Appeal Petition of the
defendants, the
records of the case
were called for,
and the Dy: Coll:
submitted the same
to this Office with
his docket No: 339
of the 5th October 88.

Edwd. J. Sullivan, Lt.



Rept 32 1/2 M R 1547 dated
1200
700
3100
5000
Jakkarkelle
Nagenhelli
Kalenkattur
Sept 1888

Collateral
appt
1 Gopalach
2 Venkatagiryappa
3 Venkatanarasappa
4 Venkappa

Decd
1 Doddi
2 Venkata
Narasappa
3 Venkatagiryappa

Venkatanarasappa

Timmappa
Venkatagiryappa
Narappa
Timmappa

Venkappa
Dorappa
Doddi Venkatanarasappa

Jeremalappa
Venkatanarasappa
2d appt
3d appt

Gopalach
1st appt

Venkappa
4th appt

Venkatagiryappa
2d appt

1st Respt
1st Mtt

Venkata
Narasappa
2d Respt
2d Mtt

In 1862-63 father of the 1st Respt was shanbhogue
In 1863-64 on the death of 1st Respts father, the father of the 1st appt was appointed, & his name was regd in 1864-65 — He died & his son 1st appt was regd in 1878 — This Register was confirmed in 1882.

In 1886, the Respts brought a suit & the Dist Court dismissed it on the ground that the dispute was covered by the Law of Limitation.

Sirumalayya died in Dhalta.—
1876-77

In 1873-74 Sirumalayya — for Kada Kallu

Mudlappa — Sirumalayya's son } Pujaris of Jakkanhalli
son Venkatanarsu }

In 1874-75
75-76 } Mudlappa guesta for one Varg for
76-77 Venkatanarsu

77-78 — 1/10 20 Rupees shown from 3 Villages

78-79 1st Pujari Jakkanhalli
Subbaraya as guesta of Sirumalappa for Kada Kallu
Nagenhalli

79-80 1st & Pujari 20 Rupees from 3 Villages
81-82 Do —

In 1886 Rupees died again Sirumalayya's son

Hearing
22/6. May 1890

Given notice to
applicant & Respts

VC
28/7/90

S. 27 Encl 2 Pcls
Part Proceedings
Sc.

LR 40-87-1

(General Serial No. 29.)

OFFICE OF THE
5992
18 OCT 87
386

188

From Deputy Commissioner
Tumkur District.

To Chief
The Secretary to the Dewan
of Mysore.

Dated Tumkur, 5 October 1887

Despatched

Received

Enclosures No. 4 & Pcls

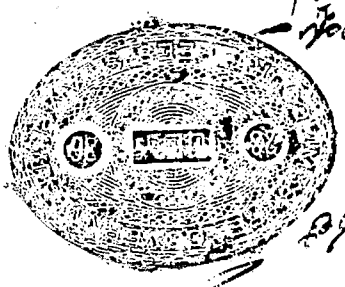
General No.
No. 339 / 1887-88

Re No 444 of Tumkur forwarding an abstract petition of Tunkatamara Sapia and Tunka Tamma of Kadagattur, Madda-giri Taluk.

In returning the petition and the accompanying abstract I have to intimate that proceedings of the case as called for in the above

Deputy Commissioner

Tumkur



GOVERNMENT OF MYSORE
10
COURT FEE

MYSORE COURT FEE

48

J

No 444

Sgl 40-87-2

OFFICE OF THE DEWAN OF MYSORE,
*Dated* October 1887.

*To*

*The Deputy Commissioner of* Bangalore

*District.*

SIR,

The appeal petition to the Dewan of Ex: Venkatanarayana and Venkatesa of the Village of Rayasettihalli of the Hobli of – – – of the Taluk of Magadi in your District will be heard on 23 Instant at Bangalore

I am to request you to forward the Proceedings of the case before that date

I have the honor to be,
Sir,
Your most obedient Servant,

Draft

*Chief Secretary.*

B. 25/10

Refd 15/10 42

Refd 24-10-88.

Sir Lewis 836

S.W. L240-3[illegible]

for Recs. 27/10

Rec'd 25 29/10/88

(General Serial No. 31.)

1888.89. 201

From

The Commissioner
Tumkur District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 10th October 1888

Despatched

Received 16/10/88

Enclosures No. 2 & Memo

General No.
No. 337 | 1888-89

Dewan's Memo No. 335 of 28th ultimo calling for records connected with the appeal petition of Sobaliyya and others of Kadagattur, Madgiri Taluk.

Has the honor to forward herewith the records called for in the above, and to return the appeal petition with enclosure.

I have the honor
Sir
Your most obedient servant
Commissioner
Tumkur District

D 24/10

Rec'd

43

LR 40-87-4

OFFICE OF THE DEWAN OF MYSORE,
*Dated* 28th September 1887.

*To*

*The Deputy Commissioner of* Tumkur

*District.*

SIR,

The appeal petition to the Dewan enclosed from Gubbi Taluk and others of the Village of Nidugatta of the Hobli of of the Taluk of Sreedhagiri in your District will be heard on 30th November next 1887 at Mysore

I am to request you to forward the Proceedings of the case before that

I have the honor to be,
Sir,
Your most obedient Servant,

Draft

*Chief Secretary.*

۱۰۷۱/۱

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1

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1 3

1 1

1 1

3

1 5

COURT FEE ...

ONE RUPEE ...

MV 2218

1/2

[illegible]

[illegible]

[illegible]

[illegible]

1 [illegible]

2 [illegible]

[illegible]

1 [illegible]

2 [illegible]

3 [illegible]

4 [illegible]

[illegible]

[illegible] 1887 [illegible]

[illegible]

2 [illegible]

[illegible]

[illegible] 1880-87 [illegible]

[illegible]

COURT FEE

ONE RUPEE

No 2218

[illegible]

1 [illegible]

2 [illegible]

3 [illegible]

4 [illegible]

[illegible] 1887 [illegible]

[illegible] 1886-87 [illegible]

[illegible]

ಅಂತಿಮ ಪಾಲಿಕೆಯಲ್ಲಿ ಸಾಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ಪಾಲಿಕೆಯ ಸದಸ್ಯರಿಗೆ ಮಾಹಿತಿ ನೀಡಿದ್ದಾರೆ.

ಪಾಲಿಕೆಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ಎಂ.ಎಸ್. ಸೋಮಶೇಖರ್ ಅವರು ಮಾತನಾಡಿ, ಪಾಲಿಕೆಯ ಸಾಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ಪಾಲಿಕೆಯ ಸದಸ್ಯರಿಗೆ ಮಾಹಿತಿ ನೀಡಿದ್ದಾರೆ. ಪಾಲಿಕೆಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ಎಂ.ಎಸ್. ಸೋಮಶೇಖರ್ ಅವರು ಮಾತನಾಡಿ, ಪಾಲಿಕೆಯ ಸಾಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ಪಾಲಿಕೆಯ ಸದಸ್ಯರಿಗೆ ಮಾಹಿತಿ ನೀಡಿದ್ದಾರೆ.

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8 [illegible]

[illegible] 1885 [illegible]

[illegible] 1864 [illegible] 1872 [illegible]

[illegible] 20-10-1885 [illegible]

1. [illegible]
2. [illegible]

6

COURT FEE STAMP

30 —



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P/123

(General Serial No. 31.)

1887.

*From*

*To* The Dr Commr
Tuticorin District.

LR 240-87-S

*Dated* 21st Nov/87.

*Despatched*

*Received*

**Enclosures No.**

Camp
~~General~~ No. 1922
*No.*

Pt Dr/11.

R

Read

Camp 20/9/22.

Petn dated 9th September 1887 from Dodda Venkatanna Basappa son of Shanabhog Linappa of Kadagattur in the Madagiri Taluk and Venkataraya son of the younger brother of the said Linappa, appealing against the order of the Deputy Commissioner of the Tumkur District dated 11th June and 8th September 1887 in Revenue Case No 3 of 1886-87, regarding the Shanbhogship of Kadagattur and Nagenahalli in the Madagiri Taluk

Docket No 389 of the 15th October 1887 from the Deputy Commissioner of the Tumkur

the Proceedings

Petitions dated
30th October and
6th November
1887 from Kpa
langa and Tenka-
langa on

Distt submitting the Proceedings of the Case.

Petitions dated 30th October and 6th November 1887 from Gopalaiya and Venkatasiriyappa on the Subject.

Order

Camp 10 1922

Kad

Petn quet
1887 from Kadda
nadappa son of
Lenappa of Kad
Maddagiri Ta
Venkatarayappa
younger brother
Lingappa, appe
against the
Deputy Commr
of the Tumkur D
dated 11th June
September 188
case No 3 of 1886
ing the Sheristadar
of Kadappa the
Nagenahalli
Maddagiri
Docket No 3

(1)

Rider - Comp. No. 922
Date 21-28-87

The D.C. finding that the Suit is barred by limitation cannot be upheld. ~~The limitation of two years under~~ He writes "The Suit under the Rev. Act ought to have been brought within two years from the date of the Register which was finally confirmed in 1882 The reference here made is apparently to para 23 of Mr Bowring's Circular of 1864 (Vide p. 233 Rev. Manual) —

This paragraph is vaguely worded, but it is inferrable from the Context that the 2 years' limitation was intended to be applied to Revenue Suits Connected with land — At any rate the reasons given in that para apply to Rent Suits for land & rent, for which Summary Rev. Suits lay in Bengal — That Mr Bowring never intended to prescribe a period of 2 years only, for Suits to recover possession of a hereditary office is clear from his order No 1148 dated 25 June 1866, wherein it was laid down that 12 years' Continued possession constituted a clear title to the Hereditary Office such as — Patelship —

The proceedings of this case have been carefully gone into, and the Arguments of the Advocate Ramadasa Ayyar for Appellants, & of the Advocate Subba Rayer for Respondents, duly heard.

The claim is simply for the cancellation of a register made in 1882 of the name of the 1st Respondent as the Shanbogue of the Village of Kadequttoor & hence naturally the office itself being in the possession of Appellants.

The Sheristadar upon ordered the registry purports to be based upon the instructions of the Famine Relief officer, for professional work in any connection not only is the Sanction of a Famine Relief officer for the purpose of the Hereditary office open to question, but the so called instructions themselves are not forthcoming.

It is established beyond a doubt by documents & admitted by 1st Respondent himself, that the office was held in his own right by Seenappa, the father of the 1st Appellant & the brother of the 2nd until he died in 1864, & the present Appellants succeeded thereupon the duties in 1869/70 - Though Timmanaiya, the father of 1st Respondent, was performing the duties for some time during the minority of Appellants, his very appointment is entered in the Register as being due to the fact of his being the nephew of Seenappa, & his name appears only as an "officiator" & not as Shanbogue as assumed by the original Court evidently. In case the 1st Respondent cannot certainly claim a title higher than that of his father.

As for the bar of limitation mentioned in the original decision, the period of two years assumed in it is ap-

(3)

2/

5. Upon a careful consideration of the whole of the circumstances it is clear that para 5 of the Govt Circ. No 5 of 1872. 73 did not require the appointment of a Son to the exclusion of a Cousin of Equal right.

6. Seenappa father of 1st Plff. was admitted to the Officiating Shanbogue till Rakshasa (1864.65) [when he died] He was the head of one branch of the Shanbogue family, and Timmalaya (father of 1st Dft) represented another branch of the same family. Both branches had a still have an Equal right to the Office, and the Enjoyment of this right appears always to have been regulated by the possession of the Office for a term by each branch. These facts are abundantly clear and are not contested by either side — with such an arrangement for possession by turns, the appointment of Timmaiah to the Office on the death of Seenappa cannot

(2)

applicable in the "Summary suits" connected with land, as will be seen from para 23 of the chief Commrs circulars quoted in Page 233 of the Income Revenue Manual. For claims connected with hereditary offices, the present suit is virtually one of the kind, the proper period is 12 years, as laid down in para 2 of the chief Commrs letter to the Superintendent Sundergong Division, No 1125/64 of the 25th June 1866, a provision similar to that made in the limitation act under Article 24 of Schedule II annexed to it.

The present suit therefore is not barred, and the appellants appear to be entitled to the relief sought for. The original decision will accordingly have to be reversed.

P.K.

2. The case also is not governed by Article 2 of the Schedule of the limitation Act, 1877, as it clearly falls under para 12 of the same Schedule.

3. It is proceeded in the Court in accordance with numerous decided cases in this office to hold that a suit to recover possession of which has been lost by virtue of a Summary Revenue Execution order, would be governed by para 12 of the 2nd Sch. of the limitation Act 29/10/84 and that the twelve years period of limitation shd be calculated from the date of such order Read 11

4. Applying the foregoing law to the present case it is clear that the Plffs. cause of action arose in 1878, when Mr Holdsworth — as Jamalandi Zemindar directed the registry of the Mirasi Sopadars (1st Respt) as to Hackidan Shanbogue in the succession to his father Timmalaya, the Appellate Shanbogue who appears to have held in Shatra (1877-78). The original order of 1878 has been mislaid and is not forthcoming, but its contents are proved from the Amildars order to the Sheristadar 7th May 1878 (Vide Exhibit marked 2) — The subsequent orders of the D.C. issued in 1882 & 1886 merely refer to & ratify this Order of 1878, but the question now at issue is the legality & justice of this order of 1878.

5. Upon

R

Read

Camp 20/4/22.

Petn dated 9th September 1887 from Dodda Venkatana radjia son of Thamiahog Linajpa of Kadagattur in the Madagiri Taluk and Venkataraya son of the younger brother of the said Linappa, appealing against the orders of the Deputy Commissioner of the Tumkur District dated 11th June and 8th September 1887 in Revenue Case No 3 of 1886-87, regarding the Shrotriemiah of Kadagattur and Nagenahelli in the Madagiri Taluk

Docket No 339 of the 15th October 1887 from the Deputy Commissioner of the Tumkur

District Secretary
the Proceedings of the
Court.

Petitions dated
30th October and
6th November
1887 from Depts
Lucija and Tenka
to participate on
the Subject.

Order

(1)

Order - Camp No. 922
dated 21/28 - 3 -

The D.C.'s finding that the Suit is barred by limitation cannot be upheld. ~~The limitation of two years under~~ He writes "The Suit under the Rev. Act must have been brought within two years from the date of the Registry which was finally confirmed in 1882." The reference here made is apparently to para 23 of Mr. Bowring's Circular of 1864 (Vide p. 233 Rev. Manual) — This paragraph is vaguely worded, but it is inferrable from the context that the 2 years' limitation was intended to be applied to Revenue Suits connected with land — at any rate the reasons given in that para apply to Rev. Suits for land & rent, for which Summary Rev. Suits lay in Bengal — That Mr. Bowring never intended to prescribe a period of 2 years only, for ~~the~~ Suits to recover possession of a hereditary Office is clear from his order No. 1148/69 of 25 June 1866, (in the Chief Comm's Proceedings) wherein it was laid down that 12 years' continued possession constituted a clear title to ~~the~~ Hereditary Office such as Patelship —

The Proceedings of this case have been carefully gone into, and the arguments of Mr. Advocate Ramendra Iyer for Appellants, & of Mr. Advocate Subba Rayer for Respondents, duly heard.

The claim is simply for the cancellation of a registry made in 1882 of the ~~name~~ of the 1st Respondent as the Shanbogue of the villages of Kadugattoor & Iraja, naturally, the office itself being in the possession of Appellants.

~~The stress by Commissioner order directing the registry purports to be based upon the instructions of the Famine Relief officer, is questional from its very wording - not only is the comp- petence of a Famine Relief officer to dispose of titles to hereditary offices open to question, but the so called instructions themselves are not forthcoming.~~

It is established beyond a doubt by documents & admitted by 1st Respondent himself that the office was held in his own right by Seenappa, the father of the 1st Appellant & the brother of the 2nd until he died in 1864, & the present Appellants seem to have entered upon the duties in 1869/70 - Though Tirumalappa, the father of 1st Respondent, was performing the duties for some time during the minority of Appellants, his very appointment is entered in the Register as being due to the fact of his being the nephew of Seenappa, & his name appears duly as an "Officiator" & not as Hucksdar, as assumed by the original court evidently. This case, the 1st Respondent cannot certainly claim a title higher than that of his father.

As for the bar of Limitation mentioned in the original decision, the period of two years assumed in it is ap-

Ananda

6/9

applicable only to "Summary
connected with land, as will be
from Para 23 of the Chief Commr
quoted in Page 233 of the Mysore Rev
Manual. For claims connecte
hereditary offices of the present cha
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period is 12 years, as laid down
2 of the Chief Commrs letter to the
intendent Bundywar Division,
of the 25th June 1866, a provisi
Circular which must be the ground
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If annexed to it.

The present suit-
form is not barred, and the appe
appear to be entitled to the relief
for. The original decision ma
accordingly have to be reversed -

P.K.

9/10/87

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(3)

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5. Upon a careful consideration of the whole of the circumstances it is clear that para 5 of the Govt Circ. No 5 of 1872. 72 did not require the appointment of a Son to the exclusion of a Cousin of Equal right.

6. Seenappa father of 1st Plff. was admitted to the Officiator Shanbogue title Rakteshe (1864.65) [when he died] He was the head of one branch of the Shanbogue family, and Timmalaya (father of 1st Dft) represented another branch of the same family. Both branches had & still have an Equal right to the Office, and the Enjoyment of this right appears always to have been regulated by the possession of the Office for a term by each branch. These facts are abundantly clear and are not contested by either Side — with Such an arrangement for possession by turns, the appointment of Timmaiah to the Office on the death of Seenappa Cannot

is hereby set aside, and the D.C.
is directed to proceed to select
a proper person from the [redacted]
Nambyar family with due regard
to the claims of the contending
parties & the Customs which regulated
the Enjoyment of the Office [redacted]
by the various branches of this family

Mysore - 21. 11. 07

1
P.98

(General Serial No. 30.)

188

From

To

The Deputy Commr
Tumkur

Dated 16
Despatched 1 September 1885.
Received

Enclosures No. 171 to

General No. 4876
No. 162

Sir, I have the honor to acknowledge the receipt of your letter No. 3879/3 dated 28th August 1885 forwarding for my consideration connected with an appeal petition of Gopalayya Sheristadar of Kadaturu Village, Maddagiri Taluk.

—o—

Before passing final order regarding the appeal petition of Gopalayya Sheristadar of Kadaturu Village, Maddagiri Taluk, I request you to submit a detailed statement in the accompanying form, showing the name of the various persons who actually officiated as Shanb

Putty produced in 1851, and said to have been made by Chintzjee and 2nd Jignaut

Note. The preceding entries are according to an untranslated copy of "Shanthagur" kept in the Talati's Library.

| Years | Kasargaudee Village. | Rajendrii. | Extraordinary. |
|---|---|---|---|
| 1851 to 1853 | Sadasiva and Seenajee | Sadajee and Seenajee | Seenajee and Seenajee Jr. |
| 1853-54 | Seenajee | Seenajee | Timmanajee and Nagabha |
| 1854-55 | Timmanajee and Seenajee | Timmanajee and Seenajee | Seenajee |
| 1855-56 | Seenajee | Seenajee | Seenajee and Timmanajee |
| 1856-57 | Seenajee | Seenajee | Seenajee and Timmanajee |
| 1857-58 | Seenajee | Seenajee | Timmanajee |
| 1858-59 | Seenajee and Timmanajee | Seenajee and Timmanajee | Timmanajee |
| 1859-60 | Seenajee | Timmanajee (Seenajee's Sons) | Seenajee |
| 1860-61 | Seenajee Timmanajee and Seenajee | Seenajee 2. Timmanajee 3. Seenajee. | Seenajee 1. Seenajee 2. Timmanajee 3. Seenajee. |
| 1861-62 | Seenajee Timmanajee (Seenajee's Sons) | Timmanajee (Seenajee's Sons) | Seenajee Timmanajee |
| 1862-63 | Do Seenajee | Timmanajee | Seenajee's Sons (Name not given) Seenajee |
| 1863-64 1864-65 | 1. Timmanajee 2. Venkatramanajee (Seenajee's Sons) | Timmanajee (Seenajee's Sons) | Timmanajee (Seenajee's Sons) |
| 1865-66 | Timmanajee (Seenajee's Sons) | Timmanajee (Seenajee's Sons) | Timmanajee |
| 1866-67 | Do | Timmanajee | Timmanajee (Seenajee's Sons) |
| 1867-68 1868-69 | Timmanajee Venkatramanajee | Timmanajee (Seenajee's Sons) | Timmanajee (Seenajee's Sons) |
| 1869-70 1870-71 | Venkatramanajee Venkatramanajee | Venkatramanajee (Seenajee's Sons) | Timmanajee |
| 1871-72 1872-73 | Do | Timmanajee | Venkatramanajee |

| Years | Kadaya Nair | Raya Naik | Kanchanaik |
|---|---|---|---|
| 1873 - 74 | Timmaraja Iyen | Chikkaraja (Gumasta of V. Narasaiya) | Chikkaraja (Gumasta of V. Narasaiya) |
| 1874 — 75<br>1875 — 76<br>1876 — 77 | Chikkaraja (Gumasta of Venkata Narasaiya) | Do — | Do — |
| 1877 — 78 | Venkata Narasaiya<br>Venkata Royappa | Venkat Narasaiya<br>Venkat Royappa | Venkat Narasaiya<br>Venkat Royappa |
| 1878 — 79 | Subraya<br>(Gumasta of Timmaraja) | Subraya<br>(Timmaraja's Gumasta) | Venkat Narasaiya |
| 1879 — 80 | Venkat Narasaiya<br>Venkat Royappa. | Venkat Narasaiya<br>Venkat Royappa | Venkat Narasaiya<br>Venkat Royappa |
| 1880 — 81 | Do — | Do — | Do — |

Putty produced in 1881, and said to have been drawn up by Plaintiffs and 3rd Defdt.

Note. The red ink entries are according to an attested copy of Kaveripak Kaifiat kept in the Taluk Cutcherry.

| Year. | Kadapathur village. | Nagenhalli. | Chavatakki. |
|---|---|---|---|
| Upto 1852-3. | Dasappa & Seenappa. | Dasappa & Seenappa. | Dasappa & Seenappa. |
| 1853-54. | Seenappa — | Seenappa — | Timmalappa & Nagappa. |
| 1854-55. & 1855-56. | Timmalappa & Dasappa deceased | Timmalappa & Dasappa — | Mudlappa Dasappai Seenappai Sumasta |
| 1856-57 & 1857-58. | Seenappa — Seenappa. | Seenappa — | Dasappa & Timmalappa. — |
| 1858-59 & 1859-60. | Dasappa Seenappa & Timmalappa | Dasappa & Timmalappa — | Timmalappa & Seenappa. |
| 1860-61. | Dasappa Timmalappa Seenappa & Seenappa. | 1. Dasappa 2. Timmalappa & 3. Seenappa. | Dasappa 2. Timmalappa 3. Seenappa. |
| 1861-62. | Mudlappa. Seenappa (Seenappai sumasta) | Mudlappa. (Dasappai sumasta). | Timmalappa. |
| 1862-63. | Do — Seenappa. | Timmalappa. | Dasappai Sumasta (name not clear) |
| 1863-64 1864-65. | 1. Timmalappa. 2. Venkatramanappa (Dasappai son) | Mudlappa (Seenappai sumasta) | Mudlappa (Seenappai sumasta) |
| 1865-66. | Mudlappa. (Seenappai sumasta) | Mudlappa. (Dasappai sumasta). | Timmalappa |
| 1866-67. | Do — | Timmalappa. | Mudlappa (Dasappai sumasta) |
| 1867-68. & 1868-69. | Timmappa Venkatramanappa | Mudlappa (Seenappai sumasta) | Mudlappa (Seenappai sumasta) |
| 1869-70 & 1870-71. | Venkatramappa Venkatramappa | Venkatramanappa (Dasappa son) | Timmappa. |
| 1871-72 & 1872-73. | Do — | Timmappa. | Venkatramanappa |

| Years. | Kadagathur | Ragenhalli | Shankahalli |
|---|---|---|---|
| 1873-74. | Srinivasappa. | Mudlappa (Gumasta of Venkat Narasaiya) | Mudlappa (Gumasta of Venkat Narasaiya) |
| 1874-75 | Mudlappa | Do | Do |
| 1875-76 | Gumasta of | | |
| 1876-77. | Venkat Narasaiya) | | |
| 1877-78. | Venkat Narasaiya & Venkat Royappa. | Venkat Narasaiya & Venkat Royappa. | Venkat Narasaiya & Venkat Royappa. |
| 1878-79. | Subaraya (Gumasta of Srinivasappa) | Subaraya (Srinivasappa's Gumasta) | Venkat Narasaiya |
| 1879-80. | Venkat Narasaiya & Venkat Royappa. | Venkat Narasaiya & Venkat Royappa. | Venkat Narasaiya & Venkat Royappa. |
| 1880-81. | Do | Do | Do |

Hq. 12 Sept 89

# Kistna-District

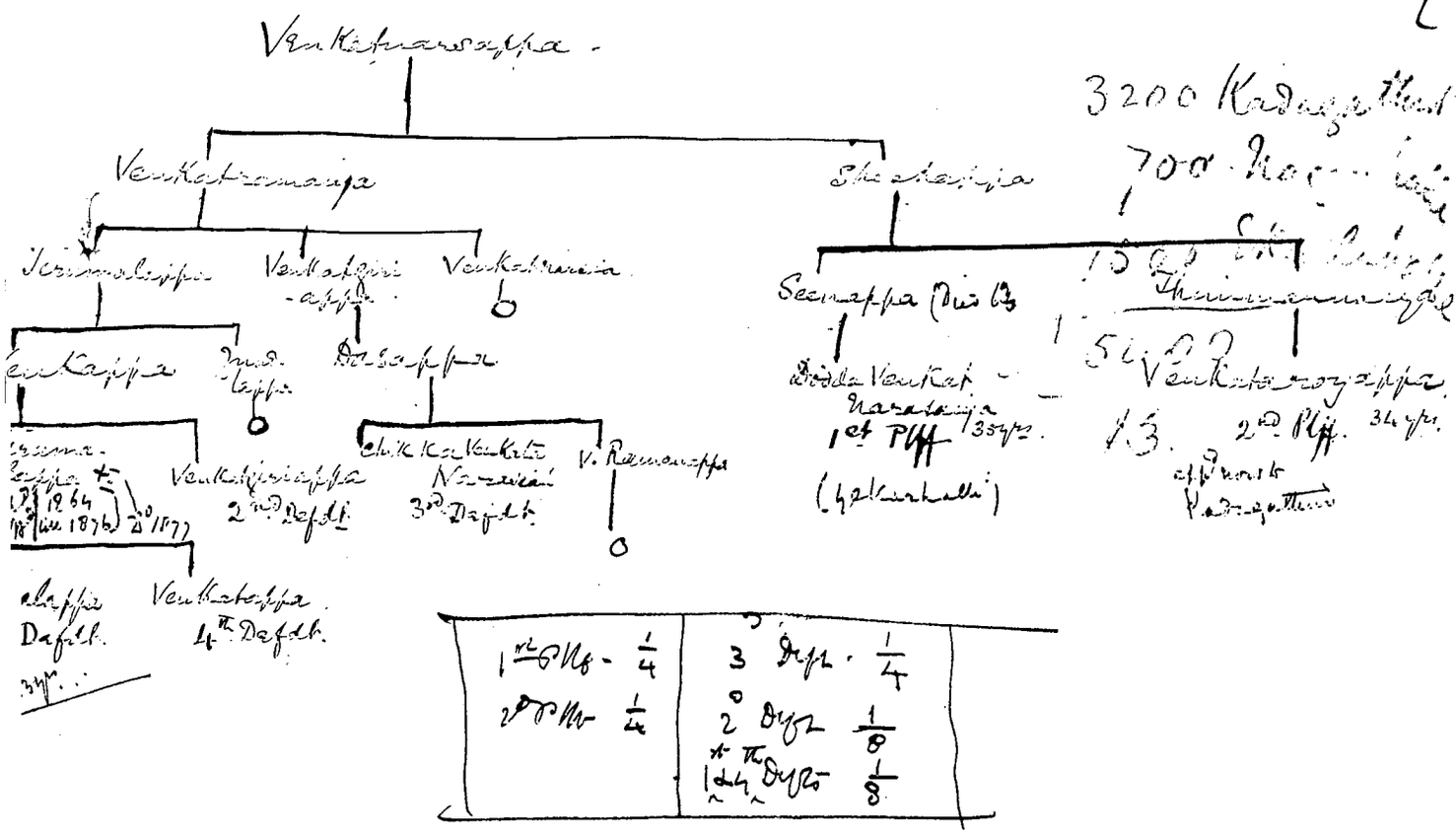
## Petitioners

1 Gopaliah
2 Venkatasiriappa.

Petition for review of order passed in Revenue Proceedings No. 1922 dy. 21st November 1887. & appeal against the Commissioners Proceedings dated 1st September 1887 Confirming the Proceedings of the Collector & Magistrate of Kistna in Village Matrajipalli

---

Write hereunder a Genealogical tree - & note names of the Various Petitioners since 1863/64



I am of opinion that there are no grounds for modifying the
the orders ~~of~~ passed before on 21 Nov 87 —

~~But~~ Before hearing final orders dep[osition]s
the Dep orders of 6 Sept 1888, now Complainant
age[d] ~~Frank Hall from~~ the Dep[uty] Comm[issioner] of Thanksgiving is
requested Hawkins
a statement in the accompanying form
showing the names of the various persons who are truly
specified as Shanbogues of Such Villages since 1866,
whether in his own right or as Guarantee for Huckeda
The accompanying Pet. to be sent to DC for enq[uiry]
& a draft for the Records but must be verified
& Corrected before it can be acted upon

11th/89

From the Genealogical tree the Shares are as follows

¼ No 1 Seenappa's Son
Dodda Venkata Rama ... ¼ Share. 1st Mo

¼ No 2 Timmanarasaiya Son
Venkatarangappa ¼ Share. 2d Mo

¼ { No. 3 Timmalappa's Son Gopalaiya ⅛ Share. 1st Dyz
No 4 Timmalappa's brother Venkatajiappa ⅛ Share. 2d Dyz.

¼ No 5 Dasappa's Son Chikka Ramappa. ¼ Share. 3d Dyz 2 — It was alleged & there is this no dispute as to his right.

---

So far as I was able to make out from Records — the Appeciation have been as follows for Kadagatur Nagenhalli

Gokavanhalli ~~No 1 2 3 4 5~~ being given exclusively to No. 5, the 2 remaining Villages Kadagatur & Nagenhalli have to be distributed among

1st Mo . . . . ½ Share
2d Mo . . . . ⅓ Share
1st & 2d Dyz. ⅓ Share.

The parties appear to have Enjoyed ~~for~~ the Pcia by a system of rotation, that is 2 yrs Enjoyment to 1st & 2d Mo for one yr to 1st & 2d Dyz.

---

I must call the Dep Comrs order of 6 Sept 1888 a very perverse one & beg to say. He has needlessly disturbed the arrangement regarding Gokavanhalli without any attempt to ascertain the rights or possession of the parties. The Dep Comr quotes the order of 29 Jan '86 without attention to the qualifying & governing Condition Expressly laid down therein

٤ ...

٥ ...

٦ ...

٧ ...

٨ ...

٩ ...

83

No. 1547

Lp 40878

OFFICE OF THE DEWAN OF MYSORE,

15th June 1891.
10.

Appellants Vs. Respondents

1. Gopalappa
2. Venkatagiriappa
3. Venkata Narasappiah
4. Venkatappa
(Orig. Defendants)

1. [illegible] Venkataramanappa
2. Venkataramappiah
(Orig. Plaintiffs)

*Endorsement.*

In reply to their appeal Petition, dated 28th September 1888

Appellants are informed that the two villages [illegible] and Nagenhalli, which form the subject

~~is informed~~

of the suit, will be registered in their names as well as in the names of Respondents as shown below.

1st 2nd and 4th Appellants — 1 share
3rd Appellant . . . . . 1 share
1st Respondent . . . . . 1 share
2nd do . . . . . . . 1 share.

As all the sharers however cannot be allowed to perform the duties of the office jointly, the Appellants who represent one branch of the family should select two of them to do the duties of the said villages for a period of 5 years at the end of which the 1st and 2nd Respondents who are the members of the 2nd branch, will be allowed to do duties for a similar period.

The enclosure is herewith returned.

By order

Under Secretary

Copy to Respondents.

[illegible] 4/6/00

M No 1547 dated 25th April

1888.

Appts

1 Gopalappa
2 Venkatasubbappa
3 Venkatappa Narasappa
4 Venkappa

Records

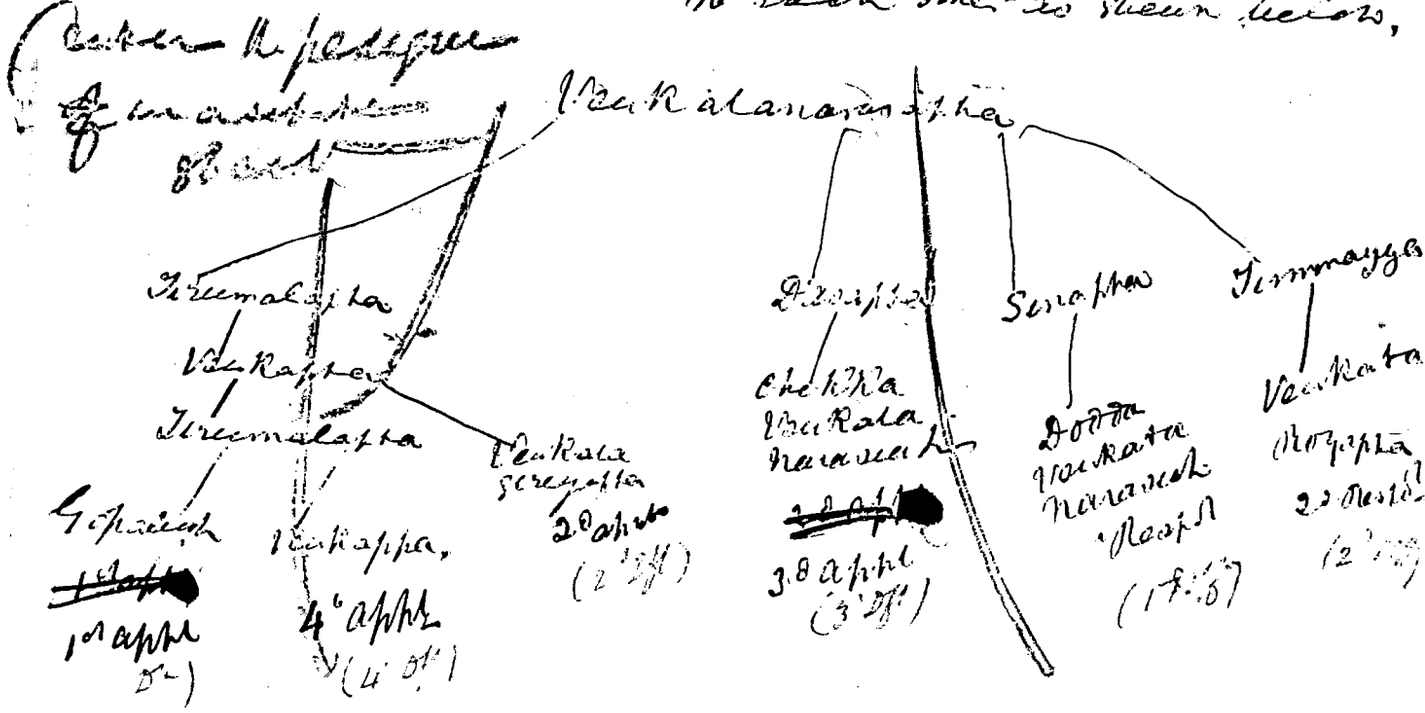
(Appl 4th)

1 Siddalingappa Lakshmanappa
2 Venkatrayappa

(Appl 5th)

The disputes related to the office of Shanbhog of the villages of Kadakallur & Nagambelli in Madda Gurumbalig Sumkur Dt.

Applicants & Respondents are of one & the same family & are related to each other as shown below,



2. The family has right—
to the office of Shanthoy
in the villages of

| | | |
|---|---|---|
| 1 | Yettavanhalli | Potgi allowance 52 |
| 2 | Nagenhalli | 105 |
| 3 | Kadenkattur | |

the Potgi allowance
drawn in each village being
as shown opposite the names
of the villages.—

3. In the Register of 1864-65—
the ~~two~~ villages No 2 & 3 are
entered in the name of 1st Respt's
father, & village No 1 in the
name of 3d Appt's father—
In the Year of 1872, village
No 3 is entered in the name of
1st Appt's father, in a manner
as made that the duties were
performed by the 2d Respt. There
is no mention of the other villages.—

4. ~~Now~~ In 1877-78, 1st
Appt's father died & the Tanedar
Officer ~~deceased~~ Mr Holsamm
directed the Registry to be ---------- of the 3 villages Nos 2 & 3
effected in the name of the
deceased 1st Appt.—

5 In 1882, the amildar
~~reported to the Dy Comr that~~ ~~amildar~~
reported to the Dy Comr that
although the registry stands
in the name of the 1st Appt
who was then a minor, the duties

88

Main leg performed by 2d Respts on village Nos 2 & 3, & by 1st Respts on village No 1 — on the, Dy Com Debtors issued an order on 24th April 1882 to leave the respective Enjoyment undisturbed —

In 1886, 1st & 2d Respts brought a suit claiming the Registry in their names, in the Dy Com's deceased in on the ground that the Deed was barred by the Law of limitation inasmuch as the Deed was not impeached within two years from 1882 when Debtors confirmed the Registry in the names of the 1st appts. —

In village Nos 2 & 3

The 1st & 2d Respts appealed to Govt which decided that the case was not barred by the Law of limitation —

The Govt also observed that the enjoyment of the rights in the 3 villages appears to have been regulated by the possession of the appts for a term by each branch, & that Mr Holcomb was wrong in leasing Rs 1200 in Registry to the 1st appt which Registry

into the claims of the several individuals — but
the Collector's order was accordingly
set aside, & the Dy Comr
was ordered to pass a
decision de novo with due
reference to the claims
of the several parties. —

The Dy Comr upon
this, ordered Caveat No 1 to
be registered in the name of
the 1st Respt, & Nos 2 & 3
in the names of the 2d Respt. — In 1888 Nos

The present appeal
is against this order. —

Grounds stated why the Lessee
any action in regard to
Caveat No 1 which stood
not from the subject of
the Caveat. —

At the hearing the
parties admit, that the
1st, 2d & 4th Apts are entitled
to 1/4 share, 3d Apt to 1/4
share, 1st Respt to 1/4 share
& 2d Respt to 1/4 share —
It was also clear from the
deposits of which the Dy
Comr has forwarded an abstract —
that the office was held
by the various members of
the family at different times — but
some years by the Apts family
& in some years by the family of
the Respts. — There does not however
appear to have been any regular
system of rotation, & the person

the deceased ~~this~~ greatest influence appears to have formed the duties.—

Under these circumstances, the Eldest ~~elected~~ of the 2 villages, ~~shall be~~ registered in the names of the rights & Receipts ~~according to the shares of the~~ but as all of these cannot be allowed to perform the duties of the office jointly, the ~~Committee~~ is requested to nominate the most competent ~~two~~ to perform the duties. & to divide the emoluments of the office ~~according to shares~~ in proportion of the respective eldest ~~family~~ branch will be allowed to perform duties in village No 3, & the 3d right the representatives of the 2d branch ~~will be~~ do duties in village No 2— This arrangement should last for 5 years, at the

No 203 about from the subject of the Secretary

2nd Division below—

1st, 4th, 2d rights — 1 Share
3d right — 1 Share
1st Receipt — 1 Share
2d Receipt — 1 Share
to all the shares hereof

the representatives of the Receipt branch of the family shares the duties of Patro in do the duties of the village No 203 for a period of 5 years at the

Each of which the 1st & 2nd Reports the are the

Members of the deceased Hero

Brothers will be accused

to the states of — Ther for a similar period of

Accepted

arrangement appears

to be equitable, as the 1st & 2nd —

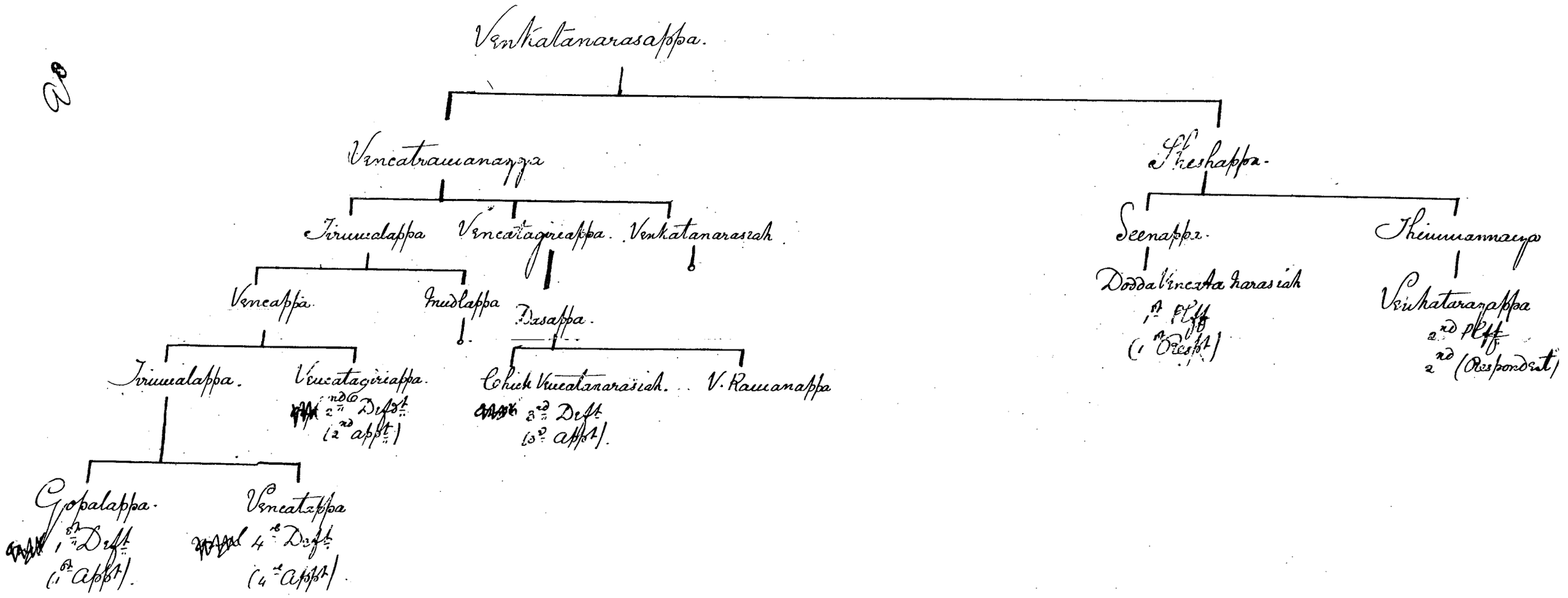
Accepted by Lieut. [redacted] during the last 5 years

Reference the states on

these two pages. —

MP

23/5/90


Venkatanarasappa.
Vencatramanappa
Sheshappa.
Trimmalappa
Vencatagriappa.
Venkatanarasiah
Seenappa.
Thimmamma
Venkatappa.
Imdlappa
Dasappa.
Doddavencata narasiah
1st Deft
(1st Respt)
Vankatarappa
2nd Deft
2nd (Respondent)
Trimmalappa.
Vencatagriappa.
2nd Deft
(2nd appt)
Chick Vencatanarasiah.
V. Ramanappa
3rd Deft
(3rd appt)
Gopalappa.
1st Deft
(1st appt).
Vencatappa
4th Deft
(4th appt).

REGD. 2248 ગ્રા
DATE 17-12-91

1/2.81
5-2

Submitted to member
Passed
8/2/90

AP 40-87-9

Revenue Department
31/1/90

(General Serial No. 20.)

OFFICE OF
1-FEB.90
BANK OF MYSORE

From

The Secretary to Government
Financial District

To

The Chief Secretary to the Govt of Mysore.
Bangalore.

Dated 28th January 1890.

Despatched

Received

**Enclosures No. 2 & nil**

General No.
No. 469 1889-90.

In reply to his letter No. 4876 of 1889
16th September 1889.

In transmitting herewith the Vernacular records received with the above, I am to forward the original Vernacular Statement received from the Amildar of Malavagiri, which has been referred in the Form prescribed with the request to the Public Accounts Dept. The Amildar reports that

hird the exception of Miss Hodgkinson's
ompanied the entire equipage as a groom, a
ll the others shewn in the attachment have
her performed their work in their own rights
e registered Manchaque, and that in the
Typecast accounts of 1852 Christiana Hodgkinson
name) has been shewn as Newcastle and
n addab performers of the studies.

The enclosure of the sacked summons
referred to in Mr Togg's letter with Master's
ginal amicable report No: 264 for further
nformation.

Yours
&c Commissioners
Lunacy Office

Before the Government

hness the Maharaja of Mysore

1240-87-to

A ... of 5th Sept. 188.

Appellants

Respondents

Division. 2nd. S. P.

This dispute relates to the office of Shanbhogue of the village of Kaverappattana and to certain lands in Shanbhogue Watan, situate in Chitaldrug District.

Appellants and Respondents are first and second cousins and are, certain lands at Kaverappattana.

(Here state the full genealogy)

2. The family has enjoyed the office of Shanbhogue in the village of

1. Yellamalli
2. Nagimalli
3. Kaverappa

} Fuji 100-0-0

Fuji allowance Rs 62-0-0

The Fuji allowance drawn in each village being in shares proportionate to the number of the villages.

3. The Respondents are entitled to the villages of Kaverappattana and Yellamalli and are interested in the name of the Respondents family

Sinappa

[illegible] and Village No. 1 to be removed to
[illegible] for Respondent.

On the Eighth day of May, Village No. 1
[illegible] in the name of 1st [illegible] Respondent
[illegible] Plaintiff in said Court in regard to
[illegible] were performed - as to [illegible] No-
[illegible] Village No. 1 was removed to the
Village.

[illegible] Respondent to [illegible] Plaintiff Com-
[illegible] Village No. 1 to be removed
[illegible] Village No. 1 to be removed
to the name of [illegible] Respondent.

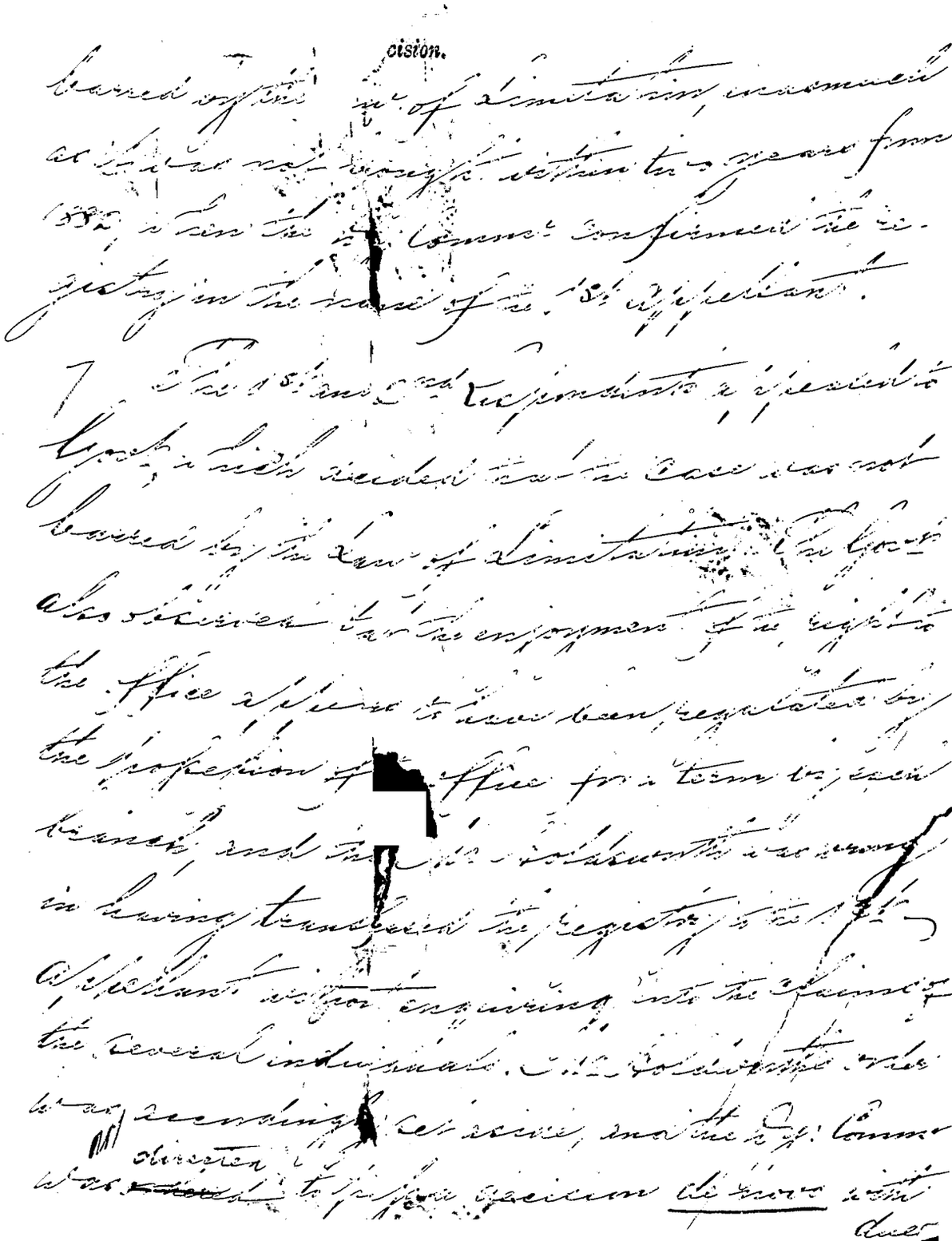
5. That the Petitioner, represents to the Gov-
ernment, and alleges as grounds, therein
the name of the 1st Respondent, [illegible]
mers, the duties were being performed by
Com'l Regiment in Village No. 2 and the
1st Regiment in Village No. 1 Company
Village No. 2 were on the 8th April 1882,
to have the regular and enjoyment trouble-
bled.

Wherefore, Petitioners pray that
[illegible] Regiments through
[illegible] among the regulars of the Village No.
[illegible] in their name, to the Gov. Commander
[illegible] if [illegible] Commander [illegible]

Before the Governme[illegible]ess the Maharaja of Mysore

of

Appellant. Respondent



the defence in the Name of the Corporation
thereof.

That Lt. Comm[anding] Officer ordered in
the said Village Not to be registered in the name
of the 1st Respondent, and Not 2/6 in the name
of the 2nd Respondent. Directed that
he should enter an order in Register Village
Roll which did not form an integral part of the
Unit.

The present appeal is against that
order.

After hearing the parties counsel for
the 1st and 2nd Respondents the Appellant
entitled to 3 votes One Appellant 3 votes
1st Respondent 3 votes and One Respondent
to 4 votes. It was the fourth vote
of which the Lt. Comm[anding] Officer
abstained. He refused to vote. The
various members of the family of different
names — in some cases of the Appellants
family and in some cases of the family
of the Respondents. [redacted] Some
of them were born
after the date when any regular system
of voting and the person who possessed
the greatest influence ought to have
performed the duties.

Under the circumstances the Govt Officer

28

Before the Gover[redacted] *His Highness* the Maharaja of Mysore

Appeal No. of

Appellant. 1 Vs. Respondent

**Decision.**

[illegible] the two villages [illegible] [illegible] the subject of the suit be registered in the name of the 1st Opposition and the contents as shown below:—

1st — and 2nd Objections — 5 Annas
3rd Objection — 1 Anna
1st Expenses — 1 Anna
2nd do — 1 Anna

As all the three issues cannot be decided to [illegible] the [illegible] of the office joining the objections it is [illegible] the issues should be decided to decide the issues in the order [illegible] 1st Issue for 5 years, at the end of which the 2nd Respondent is to pay the members of the second branch [illegible] to the [illegible] for [illegible] years.

Serial

[redacted]

From

# BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Present.

(1) Mr. T. R. A. Thumboo Chettiyar.

(2) Mr. P. Chentsal Rao, C. I. E.

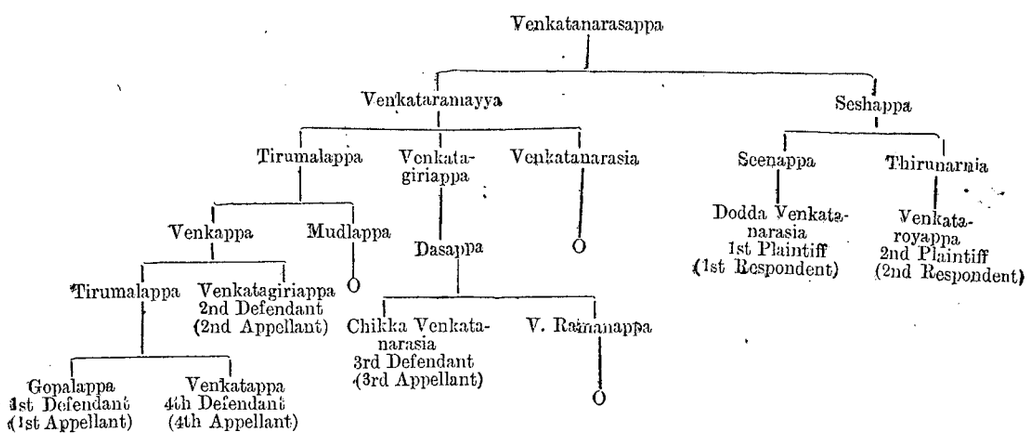
*Appeal No.* 1547 *of* 28*th September* 1888.

| *Appellants.* | *versus.* | *Respondents.* |
|---|---|---|
| 1 Gopalayya.<br>2 Venkatagiriappa.<br>3 Venkatanarasappa.<br>4 Venkappa.<br>(Original defendants). | | 1 Doddavenkatanarsappa.<br>2 Venkataroyappa.<br>(Original plaintiffs). |

*Decision, dated* 24*th May* 1890.

The dispute relates to the office of shanbhog of the villages of Kadakattur and Nagenhalli in Maddagiri taluk, Tumkur district.

2. Appellants and Respondents are of one and the same family and are related to each other as shown below :—




3. The family has right to the office of shanbhog in the villages of—

| | | Potigi allowance. |
|---|---|---|
| 1 Yekaranhalli | ... ... ... ... | Rs. 52 0 0 |
| 2 Nagenhalli<br>3 Kadakattur | ... ... ... | „ 105 0 0 |

the Potigi allowance drawn in each village being as shown opposite the names of the villages.

4. In the Register of 1864-65 the villages Nos. 2 & 3 are entered in the name of 1st Respondent's father Sinappa, and village No. 1 in the name of 3rd Appellant's father Dasappa.

5. In the Register of 1872-73 village No. 3 is entered in the name of 1st and 4th Appellant's father Tirumalappa, but a remark is made that the duties were performed by the 2nd Respondent. There is no mention of the other villages.

6. In 1877-78, 1st and 4th Appellant's father Tirumalappa died and the Jamabandi Officer Mr. Holdsworth, directed the registry of the villages Nos. 2 and 3 to be transferred to the name of his eldest son the 1st Appellant.

name of the 1st Appellant, who was t
being performed by 2nd Respondent in villages Nos. 2
Mr. Subba Rau issued an order, on 24th April 1882, to have the registry a
enjoyment undisturbed.

8. In 1886, 1st and 2nd Respondents brought a suit claiming the regis
of the villages Nos. 2 and 3 in their names, but the Deputy Commissioner d
missed it, on the ground that the suit was barred by the Law of Limitation, ina
much as it was not brought within two years from 1882, when the Deputy Com
missioner confirmed the registry in the name of the 1st Appellant.

9. The 1st and 2nd Respondents appealed to Government, which decide
that the case was not barred by the Law of Limitation. The Government als
observed that the enjoyment of the right to the office appears to have been re
gulated by the possession of the office for a term by each branch, and that
Mr. Holdsworth was wrong in having transferred the registry to the 1st
Appellant without enquiring into the claims of the several individuals. Mr. Holds
worth's order was accordingly set aside, and the Deputy Commissioner was
directed to pass a decision *de novo* with due reference to the claims of the several
parties.

10. The Deputy Commissioner upon this ordered in 1888 that village No. 1
should be registered in the name of the 1st Respondent, and Nos. 2 and 3 in the name of
the 2nd Respondent. It is not stated why he passed any orders in regard to
village No. 1 which did not form the subject of the suit.

11. The present appeal is against this order.

12. At the hearing, the parties admitted that the 1st, 2nd and 4th Appellants
are together entitled to 4th share, 3rd Appellant to 4th share, 1st Respondent to
3rd share and 2nd Respondent to 4th share. It is also clear from the accounts, of
which the Deputy Commissioner has forwarded an abstract, that the office was held
by the various members of the family at different times—in some years by the
Appellant's family and in some years by the family of the Respondents. There
appears, however, to have been any regular system of rotation, and the
person who possessed the greatest influence appears to have performed the duties.

Under these circumstances the Government direct that the two
villages Nos. 2 and 3, which form the subject of the suit, be registered in the names
of the Appellants and Respondents as shown below :—

| | | | | |
|---|---|---|---|---|
| 1st, 2nd and 4th Appellants | ... | ... | ... | ... 1 share. |
| 3rd Appellant | ... | ... | ... | ... 1 „ |
| 1st Respondent | ... | ... | ... | ... 1 „ |
| 2nd do | ... | ... | ... | ... 1 „ |

The sharers, however, cannot be allowed to perform the duties of the
office, the Appellants who represent one branch of the family should be
allowed to select two of them to do the duties of the village Nos. 2 and 3 for a
period of five years, at the end of which the 1st and 2nd Respondents, who are
members of the second branch, will be allowed to do the duties for a similar
period. This arrangement appears to be equitable, as the 1st and 2nd Respon-
dents during the last five years performed the duties in these two villages.

By Order,

T. ANANDA RO...

102

# 1890—91.

# GOVERNMENT OF MYSORE.

PETITION.

PROCEEDINGS.

*Dated 4th June* 1890.

No. 2031/78

Directing that the Appellants and the Respondents, in Appeal No. 1547 of 1888-89 do perform the shanbhogi duties of Kadakattur and Nagenhalli, Maddagiri taluk, by rotation, the period of rotation being five years.

M. G. C. P. B.—4-10-99—100